

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

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**PROFESSIONAL FORESTERS EXAMINING COMMITTEE**
OPEN SESSION MEETING MINUTES

March 14, 2006

Members Participating:	Doug Ferrier, Chairman Michael Stroud Kimberly Rodrigues Tom Osipowich Otto van Emmerik Ray Flynn Gerald Jensen
Staff Participating:	Eric Huff, Executive Officer Terra Perkins, Office Technician
Guests Participating	Emily McDonald, RMM Environmental Dave Mohlenbrok, City of Rocklin Ed Stirtz, Sierra Nevada Arborists Gabe Beeler, Fallen Leaf Tree Service Jessica Hankins, Raney Planning and Management Alan Lind, Lobbyist for AEP Denice Britton, Consulting Arborist Kieth Babcock, Impact Sciences John Little, Sycamore Associates Duane Shintaku, CDF Chris Browder, CDF

**APPROVAL OF OPEN SESSION MINUTES OF SEPTEMBER 22, 2005 AND
JANUARY 18, 2006 MEETINGS**

- 03-01-2006** Otto van Emmerik moved to approve the September 22, 2005 minutes with Chairman Ferrier's suggested edits. Jerry Jensen seconded. Motion passed with two abstentions due to lack of attendance.
- 03-02-2006** Ray Flynn moved to approve the January 18, 2006 minutes with Chairman Ferrier's suggested edits. Tom Osipowich seconded the motion. Motion passed unanimously.

REVIEW OF REPORT TO BOARD OF FORESTRY AND FIRE PROTECTION ON PLAN (THP, NTMP) FILING STANDARDS.

Chairman Ferrier reported on the presentation of the PFEC's filing standards report to the Board of Forestry and Fire Protection. The Board was pleased to receive the report and directed that the PFEC work with the Department toward implementation of the recommendations identified.

Duane Shintaku (CDF) provided a summary of the Department's anticipated actions in support of the PFEC's recommendations. Shintaku further indicated that Chris Browder (CDF) would serve as the Department's point person in Sacramento. Browder with the support of region personnel will work towards periodic issuance of a "newsletter" style publication accessible to RPF's on CDF's website. This web posting will focus on providing RPF's with current information on plan filing issues and other matters of interest.

Kim Rodrigues recommended that RPF's in other sectors should be involved in the process of constructing "newsletter" publications such that CDF's perspective is not the only one represented. Rodrigues further suggested that a subcommittee could be formed to help Browder maintain direct links with non-CDF RPF's.

Chairman Ferrier suggested that a meeting should be scheduled as soon as possible to continue discussion of implementation of the PFEC's recommendations.

Roy Richards, Jr. added CLFA's support for the PFEC's recommendations.

SCHEDULING OF NEXT MEETING.

Due to need for action on plan filing standards recommendations, the next meeting was scheduled for May 11, 2006.

DISCUSSION OF PROFESSIONAL FORESTRY AND OAK WOODLANDS

EO Huff summarized his actions to date on the issue of unlicensed practice of forestry in the CEQA context. Huff further provided historical background on the issue and reiterated that complaints of unlicensed practice in this context have been dealt with by the PFEC for decades.

Kim Rodrigues asked for clarification as to how the current situation developed following EO Huff's posting of a letter to the Lake County Board of Supervisors. Huff clarified the chain of events further.

Chairman Ferrier provided further history of the Board's involvement with oak woodlands. Ferrier discussed the Board's "Joint Policy on Hardwoods," the IHRMP Program and other Board endeavors in review of hardwood policy.

Huff discussed the findings of the Range Management Advisory Committee (RMAC) review of the "Joint Policy on Hardwoods." Huff indicated that RMAC's findings were a motivating factor in the Board's posting of an outreach letter to the 41 California counties with oak woodlands. To a lesser extent those findings were also a factor in Huff's posting of the letter to Lake County.

Roy Richards, Jr. added that Senate Bill 1334 was likewise an impetus for the Board's outreach letter.

Ray Flynn discussed the role of county governments in upholding the Professional Foresters Law (PFL). Flynn noted that if a county chooses not to comport with the PFL there isn't much the PFEC or the Board could do. Ultimately, this issue may have to be resolved through litigation of some kind.

Kim Rodrigues asked EO Huff to elaborate on the common ground between professions that may be utilized toward positive resolution of this issue. Huff responded that mitigation development in CEQA document development is a sensible place to support interdisciplinary relationships. Huff then attempted to draw a distinction between licensed practice of forestry and interdisciplinary mitigation development with a reading of the PFL.

Kim Rodrigues requested copies of the Board's oak outreach letter for distribution to those in attendance and Mike Stroud likewise requested the RMAC Joint Policy review report.

Tom Osipowich provided further history of the PFL's development and the Board's involvement in oak woodlands. Osipowich further emphasized the clear distinction between the PFL and the Forest Practice Act and added that the PFL clearly defines what "forestry" is and is not. Further discussion of this distinction continued between Osipowich, Flynn and Huff.

John Little provided the perspective that compliance with the PFL was a new issue to CEQA practitioners. Little added that in 25-years of CEQA work, compliance with the PFL had never come up. Little is in favor of interdisciplinary cooperation, but does not support the idea that an RPF is the only person qualified to provide forestry-related information for CEQA projects.

Kim Rodrigues and Chairman Ferrier reiterated that the PFL has been around since 1973 and that the PFEC has dealt with complaints of unlicensed practice in the CEQA context on many occasions.

Chairman Ferrier went on to discuss the distinction between state issued licenses and certifications issued by private, professional associations. Ferrier added that movement of development into previously undeveloped lands is the likely reason that the practice of forestry in the CEQA context is gaining greater recognition.

John Little agreed that the practice of forestry is quite clear when it comes to timber harvest applications, but disagreed that it is not clear in CEQA applications. Chairman Ferrier and Little then continued discussion as to the PFEC's motive in issuance of the "Lake County letter."

Alan Lind offered remarks on behalf of the Association of Environmental Professionals (AEP) and pointed to the PFEC's actions as creating considerable confusion and controversy in the CEQA arena.

EO Huff then questioned Lind as to the distinction between the PFL and other licensing laws. Lind responded with an explanation of how the CEQA process works. Lind further clarified that it is incumbent upon the lead agency to determine what expertise is needed in a specific CEQA project review and not dictated by licensing laws.

Chairman Ferrier reiterated the rationale for the posting of the Lake County letter and solicited input from other attendees.

Keith Babcock provided his perspective as a practicing biologist working in the CEQA arena. Babcock added that state law always contains ambiguities necessitating interpretation and that he appreciates the Board and PFEC's interpretation. Babcock went on to discuss the technical issues in identifying what constitutes an oak woodland, savanna, etc. Babcock suggested that greater clarity as to how one defines the forest/woodland type.

Denice Britton gave her professional background and went on to offer her generally low opinion of RPF's. She suggested that the PFEC needs to provide greater guidance to CEQA practitioners as to what is expected in the characterization of potential impacts to wooded/forested resources in relation to proposed development projects. Britton added that the Board ought to consider specialty certification of CEQA practitioners.

Dave Mohlenbrok noted that SB 1334 distinguishes between cities and counties and that development within cities will always necessitate removal of trees. Cities typically create tree ordinances to deal with this. Mohlenbrok went on to note that he had yet to see Board comments in review of CEQA documents in his ten years of work.

John Little noted that cities often have ordinances specifically requiring certified arborists rather than RPF's.

Keith Wagner introduced himself and described his involvement at the meeting at the oak workshop in Jackson. He added that he is very interested to see how discussion of the issue develops and isn't tied to any one particular opinion.

Roy Richards, Jr. stated in support of Babcock's comments that it is very important to define oak woodland types in spatial and canopy terms. He provided the findings of his research toward such a definition and offered his support of continued efforts in review of this matter.

Jerry Jensen questioned Richards, Jr. about a lawsuit concerning the Board's issuance of conversion permits. Discussion of the results of the lawsuit continued.

Ray Flynn asked for further clarification as to how much wooded acreage is at issue when it comes to CEQA projects: 30 acres or 300. Chairman Ferrier responded that there really is not a specific threshold at issue.

Chairman Ferrier offered his perspective on the differences between "landscape value" and "commodity value" of trees. Ferrier went on to state that this distinction will make it difficult to specify where the woodland/forest begins and the individual landscape trees end. Ferrier added that the increase in rural development is only going to further blur the lines between vegetation types and values. He continued with his opinion as to the differences between arborists and RPF's in terms of skill set. Ferrier stated his hope that this gray area will lead to interdisciplinary relationships to solve the current issue.

Kim Rodrigues stated that the arrival of this issue has created an opportunity for continued dialogue toward resolution of the bigger picture. Rodrigues continued with the idea that the Integrated Hardwood Range Management Program (IHRMP) could help resolve the current controversy for the benefit of all involved. She indicated that the PFEC does not have the technical expertise on hardwoods to answer some of the questions raised in this discussion, but could be the forum for a variety of individuals and organizations to come together in an open, public process to provide those answers.

Tom Osipowich suggested that EO Huff needs to solicit the input of legal counsel and reminded all that the Board could get involved and regulate any and all hardwoods at their discretion. Osipowich added the question of when an RPF is necessary versus some other professional in other contexts beyond commercial harvest seems clear in the PFL, but that this is a question for legal counsel.

Jerry Jensen discussed the benefit of being inclusionary rather than exclusionary when it comes to resolution of this matter. Jensen added that creation of certified specialties for CEQA work may be a good way to go, however difficult that may be.

Mike Stroud asked the question as to how CEQA projects in commercial timber types are handled when it comes to interdisciplinary relationships. Roy Richards, Jr. and Chairman Ferrier responded that on the basis of limited review, biologists and general CEQA practitioners are typically employed in CEQA projects in commercial timber types.

Chairman Ferrier solicited the attendees as to whether or not they would be willing to continue their participation toward positive resolution of this issue. Ferrier asked Kim Rodrigues to ask IHRMP representatives to attend the next meeting. The attendees responded that they would indeed be willing to continue their participation.

The PFEC then broke to allow EO Huff time to make copies of Board documents for distribution to the attendees.

Chairman Ferrier reconvened the open session and directed that EO Huff notify all interested parties of the continued discussion of this issue at the meeting scheduled for May 11, 2006. Kim Rodrigues will notify Doug McCreary of IHRMP as well.

DISCUSSION OF FIRE CLEARANCE INSPECTIONS PURSUANT TO PRC4291; STATE FIRE MARSHAL'S FIRE CLEARANCE INSPECTION TRAINING PROGRAM; AND POSSIBLE BOARD CERTIFIED SPECIALTY PROGRAM FOR FIRE CLEARANCE INSPECTORS.

EO Huff introduced the topic and provided an update on continued discussions of this possible new specialty certificate. Huff reiterated AG Cunningham's perspective on this possibility as well as the Department's concerns. Huff concluded that further discussion on this topic is anticipated prior to its further discussion amongst the PFEC.

Roy Richards, Jr. pointed out that there is legislation under review that would expand the defensible space width from 100 feet to 200 feet. Richards, Jr. questioned who was behind this effort. No one was able to answer that question.

Chairman Ferrier and Tom Osipowich discussed the current defensible space planning effort in Nevada County. Discussion as to actual physical efforts at defensible space continued.

Mike Stroud reminded the PFEC of the many efforts of various defensible space groups in Southern California.

NEW AND UNFINISHED BUSINESS

No new or unfinished business. Concluding remarks on the subject of RPF's and other professions were offered by all PFEC Members and Roy Richards, Jr.

ADJOURNMENT

3-03-2006 Jerry Jensen moved to adjourn the Open Session. Kim Rodrigues seconded the motion. Motion passed unanimously.